

RUSSELL D. GREER  
CHAPTER 13 STANDING TRUSTEE  
P.O. BOX 3051  
MODESTO, CA 95353-3051  
TELEPHONE (209) 576-1954

**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF CALIFORNIA**

IN RE:

RADHEY SHYAM  
XXX-XX-8473  
LILLIAM SHYAM  
XXX-XX-7238

Debtor(s)

**CASE NO: 18-20365**

**CHAPTER 13**

**NOTICE OF DEFAULT AND  
INTENT TO DISMISS CASE**

Russell D. Greer, Chapter 13 Standing Trustee in the above referenced case, intends to submit an Order Dismissing Case as provided by Paragraph (g) of LBR 3015-1 on the following grounds:

Pursuant to 11. U.S.C. § 1307(c), cause exists to dismiss this case as Debtor(s) failed to make all payments due under the plan. As of March 04, 2019, payments are delinquent in the amount of \$19,986.00. An additional payment of \$6,274.00 will be due on the 25th day of this month. Additional payments will be due as set forth in the plan. A list of payments received by the Trustee is attached as Exhibit A.

**NOTICE IS HEREBY GIVEN** that paragraph (g) of LBR 3015-1 provides as follows:

- (1) If the debtor fails to make a payment pursuant to a confirmed plan, including a direct payment to a creditor, the trustee may mail to the debtor and the debtor's attorney written notice of the default.
- (2) If the debtor believes that the default noticed by the trustee does not exist, the debtor shall set a hearing within twenty-eight (28) days of the mailing of the notice of default and give at least fourteen (14) days' notice of the hearing to the trustee pursuant to LBR 9014-1(f)(2). At the hearing, if the trustee demonstrates that the debtor has failed to make a payment required by the confirmed plan, and if the debtor fails to rebut the trustee's evidence, the case shall be dismissed at the hearing.
- (3) Alternatively, the debtor may acknowledge that the plan payment(s) has(have) not been made and, within thirty (30) days of the mailing of the notice of default, either (A) make the delinquent plan payment(s) and all subsequent plan payments that have fallen due, or (B) file a modified plan and a motion to confirm the modified plan. If the debtor's financial condition has materially changed, amended Schedules I and J shall be filed and served with the motion to modify the chapter 13 plan.

1 (4) If the debtor fails to set a hearing on the trustee's notice, or cure the default by payment, or  
2 file a proposed modified chapter 13 plan and motion, or perform the modified chapter 13  
3 plan pending its approval, or obtain approval of the modified chapter 13 plan, all within the  
4 time constraints set out above, the case shall be dismissed without a hearing on the trustee's  
5 application.

6 Dated: March 04, 2019

/s/Russell D. Greer

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Russell D. Greer  
Chapter 13 Standing Trustee

**Exhibit A to Notice of Default****Case No.:** 18-20365**RADHEY SHYAM  
LILLIAM SHYAM**

Date Posted	Transaction Type	Source	Check/MO#	Amount
11/26/2018	Receipt	credit union ck	3074015880	5,556.00
10/24/2018	Receipt	credit union ck	3074015699	5,556.00
09/25/2018	Receipt	credit union ck	3074015523	5,556.00
08/23/2018	Receipt	credit union ck	3074015308	5,556.00
08/20/2018	Receipt	credit union ck	3074015301	5,556.00
07/20/2018	Receipt	credit union ck	3074015116	11,329.00
06/20/2018	Receipt	credit union ck	3074014941	3,288.00
05/23/2018	Receipt	credit union ck	3074014773	3,288.00
04/25/2018	Receipt	credit union ck	3074014604	3,288.00
03/26/2018	Receipt	credit union ck	3074014400	3,522.00
02/26/2018	Receipt	credit union ck	3074014223	3,065.00
<b>Gross Debtor Receipts:</b>				55,560.00
<b>Less Debtor Refunds:</b>				<u>0.00</u>
<b>Net Debtor Receipts:</b>				<b>55,560.00</b>